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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,124	03/24/2005	Norbert Blum	LO37-002	1496
21567 7590 03/07/2007 WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			EXAMINER AFTERGUT, JEFF H	
			ART UNIT 1733	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/529,124

Applicant(s)

BLUM ET AL.

Examiner

Jeff H. Aftergut

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9-26-05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Olsen et al.

Olsen et al taught that it was known at the time the invention was made to apply a lens blank to a shaped support with a double sided adhesive tape. The reference to Olsen et al taught that one skilled in the art skilled in the art would have provided the surface of the support member 22 with a concave front surface 30 shaped to intimately mate with the convex surface 26 of the blank 14. the member 22 includes a central hub 32 upstanding from the rear surface of the member 22. the hub 32 is surrounded by a block 24 which was molded about the hub. The block 24 was provided with openings 38 in the top face thereof which were adapted to receive positioning points of the chucking device of a grinding machine as is known in the art. The reference taught that the lens 14 which was to be machined was attached to the concave front surface 30 of the member 22 (at convex surface 26) with a double sided adhesive tape 40. the tape was cut to size for application between the convex and concave surfaces to secure the lens to the support member. The reference taught that the surface which was attached to the component was the back surface of the lens component. The reference taught that one skilled in the art would have attached the employed the process for plastic eyeglass

lenses. The reference taught that the lens was attached to the support with a double sided adhesive. Regarding claim 6, note that the reference taught that the adhesive was in the form of a double sided adhesive tape (a pad). Regarding claim 5, note that the reference taught that the tape was cut to the required shape and thus was of a slit design. With regard to claim 10, note that adhesive is a synthetic resin composition.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen et al in view of Salamon et al.

Olsen is discussed above in paragraph 2 and applicant is referred to the same for a complete discussion of the reference. The reference taught that those skilled in the art would have desired to apply an adhesive material between the support for the lens and the lens in order to secure the same together prior to the machining operation. Additionally, the reference taught that one skilled in the art would have provided the lens support with the same surface shape as that of the lens. The reference to Olsen et al provided the adhesive material in the form of a preformed double sided adhesive tape and not as a liquid adhesive material. however, the use of a liquid adhesive material was known in the art at taught by Salamon et al.

More specifically, Salamon et al suggested that those skilled in the art would have applied an adhesive material 2 between a support 1 and a lens 3' in order to secure the lens to the support prior to the machining of the same. In order to protect the surface of the lens, the reference taught that one skilled in the art would have applied a protective film 4 on the lens prior to the application of the lens to the support 1 with the adhesive 2. the reference clearly suggested that one skilled in the art would have desired to apply an adhesive material to secure the lens to the support prior to the machining operation and that this was desirable in the art as it would have allowed one to optimize the bond strength between the lens and the support while at the same time allowing for proper positioning of the lens relative to the block in order to achieve a suitable bond (note that the use of the double sided adhesive would have allowed for little repositioning of the lens relative to the support as opposed to the use of a radiation curable adhesive in liquid form which would allow for proper positioning until radiation exposure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the techniques of Salamon et al to attach the lens to the support in Olsen in order to allow for proper position prior to setting of the adhesive therein when assembling a lens to a block prior to the machining of the same.

With respect to claims 2 and 3, see the discussion of Olsen et al above in paragraph 2. regarding claims 8 and 9, note that Salamon et al provided a protective film coating 4 over the lens prior to introduction of the lens assembly to the support. One skilled in the art would have understood that in order to protect the support so that the

same was capable of repetitive use one would have provided the support also with a protective coating thereon.

5. Claims 1-6 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen et al in view of Carroll.

Olsen et al suggested that one skilled in the art would have applied pressure to assemble the lens to the support therein, see column 3, lines 64-66. the reference to Olsen et al failed to express the specific means useful for pressing the assembly together. However, in the art of making a lens assembly, it was well known at the time the invention was made to employ the a pressing device which was either pneumatically or manually operated wherein the pressing members included sponge rubber faces therein in order to properly secure the lens to the support assembly without damage to the lens assembly as taught by Carroll. The applicant is referred to Figure 5 of Carroll and column 5, line 42-column 6, line 18. as the reference to Olsen expressed that a pressing was performed in order to assemble the lens component to the support, one skilled in the art at the time the invention was made would have been led to utilize the techniques of Carroll in order to secure the components together as such would have eliminated any possible risk of damage to the lens by providing a pressing mechanism which included sponge rubber faces for the pressing mechanism therein in order to properly secure the components together while reducing the risk or damage to the components as taught by Carroll in the process of making the lens assembly for grinding as taught by Olsen et al.


Regarding claim 12, note that Carroll suggested that the device was operated pneumatically.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jeff H. Aftergut
Primary Examiner
Art Unit 1733

JHA

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